

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 04-CR-10065-MLW

UNITED STATES

v.

CLARENCE EARLE

**DEFENDANT'S MOTION FOR LEAVE TO FILE
AMENDED SENTENCING MEMORANDUM**

The defendant Clarence Earle, by his counsel, moves that the Court permit him to file an Amended Sentencing Memorandum in order to include the claim that the Fifth Amendment Due Process Clause would be violated if the Court sentences the defendant to a term of imprisonment in excess of two years. In his sentencing memorandum, filed yesterday, the defendant asserted that such action would violate the Sixth Amendment. On reflection, counsel believes that to properly present and preserve the issue, it is prudent to include a Fifth Amendment claim as well. The defendant submits herewith an Amended Sentencing Memorandum. The only difference is that the phrase "Fifth and" is inserted in the second line on the middle paragraph on page 5.

Respectfully submitted
The defendant Clarence Earle
By his attorney

/s/ Charles W. Rankin

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CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 16, 2006.

/s/ Charles W. Rankin

Charles W. Rankin